

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

GEORGE E. ABRAHAM, II, ET AL.

PLAINTIFFS

VS.

CIVIL ACTION NO. 5:04cv113-DCB-JCS

SKLAR EXPLORATION COMPANY, L.L.C.

DEFENDANTS

ORDER OF DISMISSAL

This matter is before the Court on the Defendant's Motion for Order of Dismissal Without Prejudice (# 86). The Plaintiffs have responded and have admitted that the parties have entered into a tentative settlement of the action. The Plaintiffs, furthermore, do not oppose entry of an order of dismissal without prejudice to the right within ninety (90) days to reopen the case in the event the parties fail to produce and execute a settlement agreement. Having considered the Motion and response, the Court finds that it is well taken and it is, therefore, granted.

Accordingly,

IT IS ORDERED that this case is hereby dismissed without prejudice as to all parties. If any party fails to consummate this settlement within ninety (90) days, any aggrieved party may reopen the case for enforcement of the settlement agreement within ten days, and if successful, all additional attorneys' fees and costs from this date shall be awarded such aggrieved party or parties against the party failing to consummate the agreement. This Court specifically retains jurisdiction to enforce this settlement.

SO ORDERED, this the 6th day of December, 2005.

____s/ James C. Sumner_____
UNITED STATES MAGISTRATE JUDGE